

ADEQ Water Quality Division Workplan

FY 2005 Midyear - EPA Evaluations

Period: 7/1/04 thru 12/31/04

DIRECTOR'S OFFICE - Data Management and Assessment Group

EPA Comments:

SDWIS: Quarterly violations data uploads to SDWIS have been timely and with fewer errors. ADEQ continues to make significant progress towards its goal of completing the full transition to SDWIS-State and augmenting the SDWIS-State system with State-specific program requirements. The State has completed the inventory information transfer/update and the remaining data transfer is approximately 90% complete, with input of older data going more slowly. Although the time to run and validate violations is reported to take longer, reporting of violations data to SDWIS-State is smooth. The State is meeting with a consultant to discuss the creation of "add-ons" to the SDWIS-State program which will help the State meet its business needs. EPA continues to be supportive of ADEQ's transition to SDWIS-State and believes it should lessen the data resource costs in the drinking water program in the long term. EPA appreciates the State's willingness to discuss with the Navajo Nation its experiences with SDWIS-State.

STORET: Surface water monitoring results continue to be transferred into STORET.

PCS: For EPA comments on PCS tasks see below in the Compliance Section, Clean Water Act (NPDES).

WATER PERMITS SECTION

Aquifer Protection & Drywell Activities:

EPA Comments: EPA has recently received the final results of sampling that was conducted following cessation of hydraulic control at the Florence Project In-Situ Test Field. EPA and ADEQ need to coordinate with the review of these results to determine if plugging operations can commence.

Certification of NPDES Permits/AZPDES Program:

EPA Comments: ADEQ has consistently maintained very high-quality permits and fact sheets in the 1st half of the year.

Backlog: The backlog has increased, with a number of permits expiring late in 2004. Re-issuance of the Phase I MS4 has slipped. We recognize that resources have been diverted to appeals, but we expect the backlog to be reduced during the remainder of the year. Tracking the backlog is difficult, because of PCS is not updated regularly.

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Storm Water Program: ADEQ continued to make good progress in the implementation of the NPDES storm water permit program during the last six months. The small MS4 general permit was issued in late 2002 and the State is continuing its review of storm water management programs (SWMPs) submitted by permittees under the permit. In this regard, ADEQ's progress is comparable to other Region 9 states such as California in implementing Phase II for small MS4s. And outside Region 9, there are still a few states where small MS4 permits have yet to be issued. ADEQ is also making good progress in issuing its own multi-sector general permit (MSGP) for industrial dischargers. Using EPA's 2000 MSGP as a model, ADEQ prepared a draft MSGP which is being discussed with key stakeholders. Final permit issuance is scheduled for October 2005 which is somewhat delayed from the June 30, 2005 target date in the 2005 workplan, but still prior to the expiration of the existing permit. The 2005 workplan also called for the reissuance of the Phase I MS4 permits by the end of 2004; this did not occur due to the resources required for review of Phase II SWMPs. ADEQ has begun work on a template for the Phase I MS4 permits; since these permits expired in 2002, it is important that they be reissued as soon as possible.

Stormwater Smart NOI Grant: ADEQ has completed the initial grant for the Smart NOI program. The Smart NOI program is up and running on ADEQ's website and appears to be excellent. A complete final grant report was submitted as required. ADEQ has applied for a second grant this year to expand the NOI concept, and we have highly encouraged HQ to continue funding this successful program.

Subdivision Approvals:

CWA 401 Certification of CWA 404 Permits, NEPA Document Review & Other Individual Certifications:

COMPLIANCE SECTION

Safe Drinking Water Program:

EPA Comments: In the first half of the State fiscal year 2005, ADEQ continued the increased level of enforcement effort that it established last fiscal year. At the end of the first quarter of the State fiscal year 2005, the number of SNC-exceptions dropped to 327 from 388 in the previous quarter. Although the relative decrease in SNC-exceptions is not as great as it was a year ago and the large number of SNC-exceptions tells us that State enforcement actions have generally not been timely, we do not yet have numbers for the second quarter of Arizona's fiscal year 2005. The second quarter figures will

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reflect data following ADEQ's changeover to the SDWIS-State database and should reflect any greater accuracy that may have been gained from use of SDWIS-State as the reporting tool for violations and enforcement actions. Second quarter figures should be available by mid-March.

Twenty new SNCs appeared at the end of the first quarter of State fiscal year 2005, which has been typical in a quarter when non-MAP contaminant monitoring is not due. ADEQ will need to both address SNC-exceptions and to address new SNCs in a timely manner to ensure that the number of SNC-exceptions continues to decrease. ADEQ is implementing procedural changes to identify and target systems before they become SNCs.

EPA does not have a complete listing of State enforcement actions completed during the first half of State fiscal year 2005, as ADEQ only provided two of the six monthly reports (September and October).

ADEQ undertook an enforcement initiative against Arizona State Parks and issued an administrative order covering 16 park water systems for various drinking water violations. These systems were reported to be SNCs and this action will hopefully ensure future compliance by this State agency.

Clean Water Act (NPDES/AZPDES):

EPA Comments: ADEQ does not seem to be meeting the inspection targets for construction storm water and industrial storm water sites. They do seem to be on target to meet the inspection goals for minor facilities and CAFOs. Based on facility DMR submittal to ADEQ, it appears that approximately one third of minor facilities failed to submit DMRs and approximately one third of facilities who have submitted DMRs are out of compliance. This means that 60% of permitted minors are out of compliance and ADEQ, almost a year after non-compliance was noted, has not yet begun to take action. Additionally, it still appears to take a long period of time for NOV's to be approved and issued, although it seems that ADEQ has improved follow-up (i.e., compliance assistance) after the NOV is issued. However, the number of NPDES escalated enforcement actions issued by ADEQ is still very low.

Data Management: ADEQ sent staff to Las Vegas for PCS training with EPA Headquarters in December 2003. EPA looks forward to ADEQ inputting into PCS in a timely manner so that the numbers more accurately reflect ADEQ's program.

DRINKING WATER SECTION

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Ongoing Program Implementation:

EPA Comments: The Drinking Water Program continues to effectively carry out its day-to-day implementation activities. However, EPA wishes to review and discuss the just-released City of Phoenix audit of the events leading up to the emergency issuance of a city-wide boil water notice and response to those events.

Meeting Federal Requirements:

EPA Comments: ADEQ now has formal EPA-granted extensions for the Arsenic, Radionuclides, Filter Backwash Recycle, and Long Term 1 Enhanced Surface Water Treatment Rules primacy revision packages. ADEQ will be implementing these rules under negotiated agreements with EPA. ADEQ is moving towards adoption by reference for these rules and to revision of existing rules in the same manner. ADEQ provided draft rules for EPA comment in summer 2004, published proposed rules in December 2004, and took public comment on the proposed rules through the January 14, 2005 deadline. Unfortunately, wide stakeholder concern has resulted in the extension of the public comment period. ADEQ has missed its expected timeline for adoption of the final rules and now needs to clarify its revised timelines for final rule adoption. ADEQ and EPA also need to reopen discussion about the process for reviewing the related ADHS drinking water analytical regulations.

Ensuring proper construction, operation and maintenance of public water systems:

EPA Comments: ADEQ's Technical Engineering Unit (TEU) continues to conduct its reviews and approvals of proposed drinking water related construction projects within the State-established timeframes. ADEQ has expressed its interest in internally reviewing and updating its construction standards as part of an effort to examine and strengthen its overall drinking water program. EPA supports ADEQ's efforts to upgrade all areas of its complete primacy program.

ADEQ requested and received EPA review and approval of proposed changes to its operator certification regulations. The State is now completing its regulatory process to finalize the changes. The major changes include additional disciplinary measures (suspension of certification and probation) and a technical change in the grading of water systems.

Technical assistance and education:

EPA Comments: ADEQ continues to provide monthly educational opportunities for

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water systems and water system operators on a wide variety of topics such as regulatory training, cyber security, algal toxins, water conservation, rate cases, and new treatment technologies. ADEQ has also begun its technical assistance program, whereby funding is directed to systems on the Capacity Development Program's Master Priority List that are determined to need the most assistance.

Improving water system security:

EPA Comments: ADEQ, through contractor assistance, has provided small water systems with training and technical assistance in vulnerability assessment and emergency response plan (ERP) preparation. The ADEQ website's emergency preparedness page has also been set up with useful links to EPA's instructions to utilities on complying with the bioterrorism act and to the Arizona Division of Emergency Management. The compliance date of 12/31/04 for completion of small system ERPS has recently passed. After the Region obtains compliance information from EPA Headquarters, EPA and ADEQ need to determine which small water systems have not yet completed a vulnerability assessment and/or an ERP, and how to address the non-compliance.

Assessing and protecting drinking water sources:

EPA Comments: ADEQ has completed their Source Water Assessment Program per the requirements of SDWA Section 1453 and is transitioning to Source Water Protection (SWP). EPA would like to learn more about how ADEQ is structuring their SWP program and any SWP progress made to date. EPA would also like to identify areas to partner in, such as targeted outreach activities and UST/SWP coordination. EPA will convene an EPA/State SWP meeting in San Francisco in summer/fall 2005 and requests ADEQ participation. Information will be provided to the SWP staff as it becomes available.

ADEQ successfully completed the Colorado River Interstate SWAP project and the grants covering the project have been closed out. Given several obstacles and challenges ADEQ staff and management faced during the life of this project, including staff turnover, data security concerns, data compatibility issues, and state participation limitations, ADEQ succeeded in soliciting, gathering, and massaging state assessment data to create multiple GIS covers.

In addition to the obstacles and challenges noted above, ADEQ also mentioned the timing of this project as a major impediment. This project may have been more manageable and comprehensive if it began after the state assessments were finished because the state participants were overtaxed completing their own assessments and thus were not able to fully dedicate the proper time and resources needed to this project.

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HYDROLOGIC SUPPORT AND ASSESSMENT SECTION

Water Quality Standards Development:

EPA Comments: ADEQ has slipped on all targets, including the schedule to develop narrative nutrient criteria for lakes and reservoirs, and the schedules to develop implementation procedures for narrative toxics, antidegradation, and narrative bottom deposits/clean sediment standards. It is not clear from the quarterly reports what progress has been made. Additionally EPA does not understand the basis for new dates proposed for these deliverables. EPA would like to work closely with ADEQ to ensure that steady progress is made in all areas of Water Quality Standards Development, and EPA expects to receive timely copies of draft procedures as they become available for comment.

EPA intends to work closely with ADEQ to address the issue of the designation of the Colorado River from Imperial Dam to Morelos as a domestic water supply.

Water Quality Monitoring Program:

EPA Comments: ADEQ is on-track with surface water and groundwater monitoring. Fortunately more rainfall in fall and winter has created many opportunities for more sampling events and obtaining much needed monitoring data.

In FY05, ADEQ has targeted monitoring in two basins, Grand Canyon and San Pedro. This will help toward completion of the rotating basin approach to obtain monitoring data for surface waters by visiting all watersheds within five years.

As part of Arizona's Mercury Strategy, ADEQ staff have initiated air monitoring of mercury deposition to characterize inputs from the atmosphere. Water division staff, working in concert with air division staff, have established the state's first mercury deposition network (MDN) site. This site is located in Sycamore Canyon and will yield measurements of "wet" deposition of mercury associated with precipitation. Results from this site will fulfill/overcome a data gap in the national MDN system, which has few sites in arid western states. Results are anticipated to support various TMDL projects throughout the state.

ADEQ has also requested assistance from EPA to monitor "dry" deposition of mercury via ambient air measurements with the Tekran instrument. EPA plans to support this request by supplying the instrument as well as skilled personnel to provide training for ADEQ staff.

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TMDL/Targeted Program:

EPA Comments: Overall, ADEQ has been working hard to complete TMDL commitments, yet they are currently behind schedule. EPA has recently provided preliminary reviews of Tonto Creek (2) and Lakeside Lake (5) TMDLs; we identified minor issues for revision. ADEQ has utilized the loading curve approach to develop the French Gulch (3) and Turkey Creek (4) TMDLs. While we have yet to see these TMDLs, we anticipate we can approve this approach. These four TMDL projects constitute the majority of FY2005 TMDL commitments. Completion of Pinto Creek (1) and Alamo Lake (1) TMDLs have been delayed until FY 2006.

ADEQ has recently hired one TMDL staff person, one vacancy remains.

Water Quality Improvement Grant Program:

EPA Comments: Watershed Unit successfully completed the program's seventh cycle of funding (contracts awarded this month). Most notably amongst the eight awards, a large grant was awarded that should directly lead to the improvement of a water body impaired by an abandoned mine. ADEQ continues to enter GRTS information so that loading and location data for projects funded with FY 02 and 03 will be listed by mid March.

Nonpoint Source Program:

EPA Comments: The Watershed Unit continues to make very good progress in implementing the NPS program through issuing grants, working with watershed groups, and conducting educational activities. We and the other states valued Susan Craig's participation in the recent Outcome-based Workplan Workshop. We look forward to working with ADEQ to incorporate ideas learned into next year's workplan.

Water Quality Assessment and Listing:

EPA Comments: EPA has received Arizona's 2004 303(d) list and issued partial approval/partial disapproval decision. We added waters to ADEQ's list to be consistent with federal listing regulations and requirements. We have worked closely with ADEQ staff to clarify listing their methodology and to request additional monitoring data to support for our decisions to add waters to the list. We appreciate their diligence and responsiveness.

ADEQ recently updated the fish consumption advisory for the Salt River and the

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Phoenix Metropolitan area. We appreciate staff effort required to re-evaluate the pollutants of concern and the areal extent of impaired waters. This risk analysis provides necessary technical information to support 303(d) listing decisions.

ADEQ continues to make progress on establishing implementation procedures for narrative water quality standards. Anti-degradation and nutrient standards are partially complete, whereas toxics and bottom deposits will require more time than expected. ADEQ is considering the benefits of utilizing the triennial review process or the Impaired Waters Identification Rule (IWIR) to incorporate these procedures into state regulations.

Watershed Planning:

EPA Comments: ADEQ continues to effectively conduct CWA Sec. 208 amendments and updates. The program supports water quality while ensuring the infrastructure necessary to accommodate rapid growth as people continue moving to Arizona. All actions are coordinated with in the context of watersheds and reflect TMDL load and wasteload allocations. EPA funding supports ADEQ staff as well as provides limited support to the State=s Council of Governments. ADEQ has done a good job managing these limited resources.

Watershed Management:

EPA Comments: The completion of three watershed-based plans has been understandably extended to October. EPA will continue to work with Watershed Unit staff to find the best balance in meeting the required plan nine elements, TMDL implementation plans, and CWA 319 Incremental funding requirements. We appreciated Susan Craig's insightful thoughts and ideas on this matter during the recent NPS meeting with Region 9 states.

BORDER

Until the first quarter of this year, there was no staff available for this program.

EPA Comments: With the hiring of a hydrologist, there has been a dramatic change in the work output for the Border Strategy. Staff has made headway in moving the pretreatment program for Nogales, Sonora forward. The implementation of this program will directly impact the performance of the Nogales International Treatment Plant and thus the quality of the effluent discharged to the Santa Cruz River. Other training related to chlorine use in Nogales Wash and development of a contingency plan for sewer overflows, which is now in effect. Work was begun to evaluate water quality in the Douglas-Agua Prieta aquifer. Staff have been extremely effective in keeping communication between the U.S. and Mexico active, which we believe is essential if we are to make real progress in improving water quality in Arizona's transboundary watersheds.

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PLANNING SECTION

EPA Comments: We continue to have good communication with the Water Quality Planning Section providing for quick resolution of grant-related issues. The Section submitted workplan amendments and quarterly reports in a timely manner. The NPS project officer will be working with the Watershed Unit manager to incorporate ideas from the recent Outcome-based Workplan Workshop into next year's workplan.